

A N O T H E R W O R D T O T H E W I S E,  
 Shewing that the *Delay of justice*, is great inju-  
 rice. By displaying heavier grievances in petitions  
 from severall Counties to the House of Com-  
 mons, and letters to P A R L A M E N T Men, from Mr. *John*  
*Musgrave* Gentleman, one of the Commissioners from  
*Cumberland and Westmerland*, for presenting their grievances  
 to the Parliament.

Who instead either of redressing those two  
 Counties grievances, or prosecuting the charge gi-  
 ven in by him against Mr. *Richard Barwis*, a Parliament  
 man, for betraying his trust, in placing Traytors and Ma-  
 lignant officers in chief places of command, to the apparant ruin  
 thereof and landing of the *Irish* Rebels there, did illegally  
 commit the said Mr *John Musgrave* to the Fleet, where  
 he hath lain these 4. months, without any justice,  
 or tryall of his businesse.

For refusing to answer Interrogatories, otherwise then  
 according to law by writing, or to stoop unto the arbi-  
 trary and illegall proceedings of a Committee, who admit-  
 teth the parties accused, to sit with their hatts on, and  
 committeth the accusers to prison, though they  
 themselves doe offer to suffer, if they prove not  
 their charge by sufficient witnesses.

*Though band joyne in hand, the wicked shall not be unpunished. The righteous is  
 more excellent then his neighbour, but the way of the wicked will destroy them. He that  
 justifieth the wicked, and he that condemneth the just, even both these are abominati-  
 on to the Lord. Pro. 21. 21. and 11. 26. and 17. 13.*

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To our worthy and much respected friend, Mr. John Musgrave

Sir,

**A**s time (that precious jewel) bringeth forth the truth of all things, so have we gained more knowledge of your just cause, and unjust sufferings, since we published your last letters and Petitions, under the title of *A word to the Wise*, for we have not only received more letters and Positions, which we have here also divulged, but likewise the coppie of an order from the House of Commons, against that little booke, of which order the words are these.

Die Martis 17. January, 1645.

The house tooke notice of a Pamphlet, intituled *A word to the Wise*, displaying great augmented grievances, and heavie pressures of dangerous consequence: And it is ordered, that it be referred to the Committee of Examinations, who are required to make a strict inquirie after the Author, Printer, and divulger of the said Pamphlet, and to give a speedy account thereof to the House.

Here is a word to the Wise indeed! a great noise of hue and cry for a man that like worthy Nehemiah never ran away. It is a wonder that those few men should thinke all other men blind but themselves. What Butcher is so idle and undiscreet, as to send his blood-hounds abroad, to drive home an Ox, which he knoweth is already in his own back shop. Only it may be, that some time he will make great search for his knife, whilest it sticks in his teeth. And is it not as great a wonder, that they doe offer thus to search abroad for the Printer and divulger of that booke, and not seeke their owne fieser prison at home for the Author Mr. John Musgrave, and owner of the chiefe parts thereof, whose name is so eminent and often therein expressed? It is most certaine, that such dealing cannot long prosper, more then Zimri did, who killed his master. But be of good comfort, the same God who sent the Ravens to feed Eliah, Ebedmelech the black-moore to comfort Jeremiah, & King Pharaohs baker to deliver Ioseph: will have the like care of you, and all that stand in the gap either for religion or the just freedome of the nation: Great cause have we to be jealous of many whom we have trusted with all that is nearest and dearest unto us in this world, and in whose defence so many thousands of lives, and such abundance of treasures have been spent, and such multitudes of Widowers and Orphans life in distresse; and still though persecuters and oppressors be changed, yet both persecution and oppression remaines. For although the Counsell-table, Star-Chamber and High Commission be put down, yet all the free born of this kingdom doe feele the power thereof transformed in another habite, and still remaining in the Committees, as is too apparent by their manifold illegall proceedings to enslave us. But our comfort is, that though the world should turn upside downe, and the mountaines fall into the sea, yet it shall be well with those that feare God.

Fare well.

The



# The Copy of the Commitment, 25. Octob.

1645.

Upon Mr. Liffes report from the Committee, to which the Informations given in by Mr. John Musgrave, and Mr. Osmotherly, against Mr. Barvis a Member of this House, was referred, Mr. Musgrave refused to answer such Interrogatories as were propounded unto him by the Committee, upon the Direction and Order of this House.

*Resolved. &c.*

That Mr. John Musgrave be forthwith committed prisoner to the Fleet, for his contemptuous refusing to answer to such Interrogatories as were propounded unto him by the Committee upon the directions of this House, and that a Warrant do issue under M. Speakers hand, for the Commitment of him prisoner to the Fleet accordingly.

*Hen. Elsyng, Cler. Parl. D. Com.*

By vertue of an Order of the House of Commons, dated 25. Octob. 1645. These are to will and require you forthwith upon the receipt hereof, you apprehend the body of Mr. John Musgrave, and him safely deliver unto the Warden of the Fleet, there to be kept prisoner for his contempt to the said House, untill the said House take further order therein. And the said Warden of the Fleet is hereby required to receive into his custody; the said John Musgrave to be kept prisoner accordingly: for which, this shall be your warrant, dated 27. Octob. 1645.

**WILLIAM LENTHALL, Speaker.**

To the Serjant at Armes, attending the House of Commons, or his Deputy. And to the Warden of the Fleet, or his deputy.

I do appoint George Bragg, Gentleman, to be my lawfull Deputy to execute this Warrant, dated 27. Octob. 1645.

*Edward Berkhead, Serjant at Armes,*

*The*



The 27. day of the first moneth, 1646. there was a petition out of  
York-shire, presented to the Parliament whereof the true copy here  
followeth.

*To the Right Honourable, the Knights, Citizens, and Burgeses, assembled  
in the Commons House in Parliament.*

*The humble Petition of many thousands of the Wel. affected in Yorkshire.*

*Sheweth.* **T**Hat they ever looked on the Parliament, as the only  
refuge under God in this Kingdome, for the relief of  
the distressed Subject, from Popery, tyrannie and injustice, and there-  
fore have in and for the defence of Religion, the priviledges of the Par-  
liament, the rights and libertie of the Subject; ventured their lives, spent  
their estates, and have been plundered of their goods, even to the utter  
undoing of many of their wives, children, &c.

That of late many of the Kings partie, some who have been in Arms,  
in open rebellion against the Parliament, others who have stood as neu-  
ters, waiting to side with the stronger partie, and no way assisting the  
Parliament (but by constraint, have by subtle speeches, and clandestine  
wayes, gradually wound themselves in to be Committees for the Par-  
liament, and some to be Commanders; Who so palliate and vail their  
actions, with pretences of State, that the well-affected and friends of  
the Parliament, cannot have justice; or are so delayed in their just suits,  
that they are quite wearied out and discouraged.

The Petitioners therfore humbly pray, this honourable House to  
take the premises into serious and due consideration, and for preven-  
tion of the great mischiefe, that may happen (if not prevented) by  
disheartning the good, and animating the ill affected; To order that  
all such persons, as have been in Armes against the Parliament, Ma-  
lignants, and Neuters, may be removed from being Committees, or  
Commanders, and that their place may be supplied with honest  
men, who have ventured their Lives, spent their Estates in, and for  
the Parliaments service.

*And they shall ever pray, &c.*

The



The Coppy of a letter, sent by Mr. John Musgrave, Gent. to  
Alexander Rigby, Esquire, a member of the  
House of Commons.

Worthy Sir.

**L**ittle did I expect to have beene so troublesome to my friends, upon such an  
occasion as this, sitting a free Parliament: we were in hope when the High  
Commission, Councell Board, and Starre-chamber were taken away according to  
the Law, that we had been free men and no more subject to any Arbitrary Power;  
But according to the Law, we should have beene protected in our just Liberties,  
and have had justice done us without begging or intreaties; I have beene kept  
Prisoner here some 13. weeks, yet neither by solicitation of friends, or petitions,  
can I get audience, I desire but the benefit of the Law, which I claim as my Right,  
either to be justified or condemned, by the same; favour I desire not, no other  
then the innocency of my cause deserveth, Justice only I expect; as you have ever  
professed your selfe to be the Common wealths servant, so I desire you in the be-  
halfe of my Country, to move the House, that I may have my Liberty, being  
their Agent, and their Cause put in a way of Tryall. This is all I desire from  
you, which I hope you will not deny me, and I shall bee

From the Fleet Prison  
29<sup>th</sup> of the first  
moneth. 1646.

Yours to do your  
service.

John Musgrave.



The coppie of a letter sent by Mr. John Musgrave, to Sir Arthur  
Husbrigg, Knight, a Member of the House of Commons.

Sir,

**I** Am given to understand, that my petitions and letters of late published by some of my well-wishers under the title of A word to the Wise, were delivered unto you by Mr. Peters; there is nothing in any of these petitions and letters which are mine, but I am ready to owne and avow; and if I may have but common justice and an equall hearing, I doubt not but to make good the same, to be agreeable to law and truth I am informed that you alone have taken upon you to be my judge, and have already condemned me, and cast many vile aspersions upon me giving forth how I comply with the Scots, to drive on some wicked designe of theirs, tending to the prejudice of the State, and undoing of my Countrey, which if it were true, then are you blame-worthy to passe by the same, and not to bring me forth to condigne punishment: for already you have given out sentence and adjudged me guilty though you never heard me speak, and (I suppose) never knew me by face: but howsoever, though I were guilty of that wherein you condemn me, yet it doth not besee me you, nor any in the place of iudicature (as you are) to condemne any man unheard, and who is absent, nor to have respect of persons in iudgement; And none but unrighteous iudges, will doe so, for it is good and agreeable to law what *Seneca* saith. *Qui aliquid statuerit altera parte inauditum equum licet statuerit haud equus est*, He that determineth and ordereth any thing, the one partie being unheard, although he determine and order that which is right, yet is he uniuist. And this your doing is the more grievous, in that you insult over a poore prisoner, whom you now have in bonds, and so not in place to answer for himselfe.

I complaine of Traytors whom you suffer to walke at libertie, I have given in charges against them unto you, yet cannot get them brought to answer, whiles I am cast into prison before any charge be brought against me, put to answer interrogatories, and no accusers comming against me. Traitors whom I accuse are continued in their authorities, yet almost foure months have I laine in prison, and know not for what, but hether-fo, neither by friends nor petitions could I ever obtaine that favour and right (which of dutie you owe me, and all the free borne of this Kingdome) to have audience and libertie as a free man to answer for my selfe: for as you can exact no obedience of us further then by the law, so may we boldly claime iustice according to the law: which to deny us, is iniustice in you by the law.

I am blamed because I decline the Committee, how should I expect any good from them, when they dare not or will not suffer our cause to be publicquely heard and debated, but doe shut their doores against both our friends and also against strangers, contrary to law, yet suffer they our adversaries whom we accuse, to sit with their hats on, as iudges in the cause, both permitting them and they taking upon them to examine us. O England (saith one) well in the like case, what's become of thy liberties? For if Sir *Edward Cooke* spake truth or knew the law, that iudge who ordereth and ruleth a cause in his chamber, though his order or rule be iust, yet offendeth he the law: and the reason he rendereth is, for that all causes ought to be heard, ordered and determined openly in the Kings Courts, whether all persons may resort, and not in chambers or other private places. See *Cooke 2. part instit. fol. 103.*

And how can I assent unto the Committees demands, to bring witnesses to be examined before such a Committee as cannot, or is not authorized to administer an oath, and so consequently cannot determine or give any indgement for or against the partie accused, for that all matters of fact and causes criminall are to be tryed and determined by the



the verdict of 12. men, upon the solemn oaths and depositions of witnesses. See *Cooke* 3. part instit. fol. 163. And how can I without incurring the haynous sin of perjury, submit unto the arbitrary proceedings and determinations of any Committee, being bound by solemn oath and protestation, to maintaine the lawes and iust liberties of the people, and that the proceedings, orders, and results of the Committees be arbitrary, and not regulated by the law. I need no further prooffe, then that exorbitant and unlimited power they take upon them, and daily exercise in seizing on free mens goods, and imprisoning their bodies contrary to law, for which if they should as they ought pay 500. l. a peece & treble damages to every party grieved according to the statute of 17. Car. made for the abolishing of the Star Chamber. I beleve they would not adventure so boldly to transgresse. *sed impunitas continuum affectum tribuit delinquendi*, but neglect of punishment, giveth boldnesse to transgresse. Nay, I am verily perswaded, the whole estates of many of them, would not give halfe satisfaction for the wrongs done by them. That this law were put in execution against such lawlesse men is my earnest desire, and daily expect the same.

But it seemes you are much displeased that we should impeach a member of your house, why? have you any priviledge to transgresse? To be a Parliament man, is it a good plea in Bar? I ever thought this warre had been undertaken for the preservation and defence of our lawes and iust liberties, and not for sheltering nor protecting any delinquents or offenders? Can it stand with your honours, your oaths, your truths, your protestations and declarations to refuse the delivering up your delinquent members to the law, to slight our iust complaints, and to cast us into prison for complaining? Can it stand with iustice and law, for the trustees of the law, to plead priviledge and exemption from the law? Were not this to iustifie transgression by a law? Doth not the observation of the law generally without any limitation or exemption concerne allequally and alike? Is not the practice and execution, the very life and soule of the law? And what saith learned *Cooke*? neither can a iudge punish extortion, who is corrupted himselfe, neither any Magistrate punish any sin as he ought, that is knowne to be an offender therein himselfe.

Therefore (saith he in the same place) it is an incident inseparable to good government, that the Magistrates to whom the execution of the lawes is committed, to be principall observers of the same themselves, *Cooke* lib. 4. pref. Have not you complained often times expressing great griefe, for that the King would not deliver up his evill counsellors and bad servants to be tryed by the law? and can we expect lesse from you, then you exact of others, even of the King himself? For my part, I cannot deem them lesse then guilty to themselves, who under pretence or shadow of any priviledge, goe about to avoide the tryall of the law, and so thinke to escape with *leab* by flying to the hornes of the Altar.

If Mr *Lisle* (Chair man of the Committee, where unto our cause was referred, and under whose bare report without any further ground I suffer) had been as truly zealous for the law, as he would be accounted knowing in the law, and had been as faithfull in discharging his trust, by doing good offices for the publique, as he hath been ready to procure by his publique place in the house, contrary to the selfe denying ordinance, private and profitable offices to himselfe, he would not have laid our papers and informations aside, to the great damage and danger of our Countrey, nor so false upon us as guiltie persons by propounding interrogatories to insnare us, even before he had any direction from the House so to do, he would have not misreported to the house, that I contemptuously refused to answer, whereas only according to law, I required time to answer. He would not have (so contrary to law) denyed to have given me and my fellow Commissioner the interrogatories, nor hindered us to write them from his mouth.

Nexte



Neither would he have refused to give us a reasonable time, to have advised according to the law, for answer, so (that either he must to his shame being a professor of the lawes, plead ignorance of the law, (which is his best plea) or else these his practices doe discover him to be faithlesse, corrupt and uniuert, and one of those to whom it is said, woeto you lawyers.

For it appeareth by Sir Edward Cooke 2. part instit. fol. 51. that I ought by law to have had time allowed me wherein to advise for answer, his words be these. If anyone be suspected for any crime, be it treason, felony, &c. and the partie be to be examined upon interrogatories, he may take a reasonable time to answer the same with deliberation, and the examinee (if he will) may put his answer in writing, and keep a coppie thereof, and so it was resolved in Parliament in the case of Justice Riebel. See the record at large. 1. Hen. 4. memb. 2. num. 2. O yee Senatours, learne wisdom, and take heed how yee either indanger your selves or us the free borne people of England whom yee represent: And though we trust you with our great affaires, yet doe not you trust too much those Lawyers, by whom our liberties have been so often betrayed, that except some few, like noble St. Iohns, they are all somerinarie, that even those who sit in Parliament are not ashamed to take fees, and moneyes, for pleading causes depending in that high and honourable court, as they doe also in all other courts of iustice in Westminster hall, and how short they come in discharge of the trust committed unto them, let the preceeding practice of Mr. Lile towards me (now a prisoner and agent for the well affected of Comberland and Westmoreland to the Parliament) beare witnesse.

As touching our charge against Mr. Barwis and the rest, it is evident that they are to be tryed at the Common law, and thus I prove it, the charge is for treasons committed by them against the state. And in Magna Charta cap. 29 it is declared, that no free man shall be taken or imprisoned, or disseised of his free-hold, or liberties, or free customes, or be out-lawed, neither will we passe upon him, neither will we sit in judgement upon him, but by the lawfull judgement of his Peeres, or by the law of the land, and to no man will we sell, deny, or delay justice or right. And hereby that crooked coard (as saith Cooke in 2. part instit. fol. 56) of that which is called discretion appeareth to be unlawfull, unless you take it as it ought to be taken *discretio est discernere, per legem, quid sit justum*, discretion is to discern by the law what is just. And (there he saith) it is called right, because it is the best birth-right that the subiect hath, for thereby his goods, lands, wife, children, his body, life, honour and estimation are protected from injury and wrong, adding the words of *Cicero, Maior hereditas venit, unicuique nostrum a iure et legibus, quam a parentibus*, A far greater and better inheritance descends unto each one of us from iustice and the lawes, then from our parents. And in his proeme to his 3. part instit. He urgeth that ancient maxime of the law, *Misera servitus est, ubi ius est vagum vel incognitum*. It is a miserable bondage, where the law is uncertaine and unknown.

And in the 24. page of the same booke, he telleth us how treasons are to be tryed saying, there is another excellent branch of a statute made 1. et. 2. Philip. et. Mar. cap. 20. in these words, Be it further enacted by authoritie aforesaid, that all tryalls to bee had, awarded, or made for any treason, shall be had and used only according to the due order and course of the common law, which Statute is yet still in as great force as first when it was made, the same never being repealed, for according thereunto, yee tryed the Earle of Strafford since this present Parliament began, who had as good right to have challenged his priveledge and exemption from the common law (if any such appeale had been) as ever Mr. Barwis had or any other who so ever, and which doubtlesse hee would have done, and you have granted. At whose tryall I was, and you made use of mee as a witnesse against him, where I was examined *viva voce* upon oath, the Earle himselfe

having



having first answered his charge according to law: Whereby you may perceive it is plain and evident, that this our cause and charge is not proper nor pertinent to be tried by any Committee, who are not authorized to administer an oath, whereby to put an end to any controversy, but altogether such courts of justice as are enabled to begin and proceed and end in a judicial way, *per legem et consuetudinem Angliæ*, by the law and custome of this realme. For no privilege of Parliament can hold or be pleaded in cases of treason, felony, and the peace, *Cooke* 4. part instit. fol. 15. Herein there only remains then to be done on your parts, to give up your delinquent members to the law, and we on our parts according to the same law, to make good our charge by a due and legal prosecution.

And whereas you say, that I have combined with the *Scotts*, and drive on their wicked deligoe, give me leave to tell you that I being driven into exile through the cruelty of those unnatural vipers and traytors of my owne countrey, who joyned with the popish conspirators in this great rebellion, to ruine our state and countrey, they thirsting after my blood; and thinking to devour me, profered large sums of money, to such as could apprehend me, I was forced to fly for my life, not being able of my selfe, to resist their fury. After these your Committee men with us, had shamefully deserted me and this iust cause of the kingdome, and adhered to the enemy, I having then no other way open nor apparent meanes to escape with much difficulty and more danger, got (by Gods good providence) into *Scotland*, where I indured no small tryalls and troubles through the malignancie of some of their Ministers and such as they stirred up against me, taking occasion upon my non conformitie and refusall to come to their assemblies and high places, unto which I could not submit nor ioyn my selfe.

But after much and long struggling and contention with these Ministers, in the meane time labouring to walke inoffensively towards them and all others in all other things, by the private meanes, and secret intelligence of some of my faithfull friends in *England*, then in bonds for the Parliaments cause, I discovered severall designs of the enemy, and our gentry against that state, for which I found such favour from the Magistrates there, that the governour of *Drumfreis* did take me under protection, and defended me from the persecution and violence of my adversaries there, wherein he shewed himselfe to be truly noble, and for which I cannot but acknowledge my selfe to be much bound unto him; yea and the more in that neither I nor any of my iudgement, have received the like duty of love at home, notwithstanding the discoveries and all the faithfull services we have done, neither sparing our blood, nor regarding our estates for the good of the publique.

After the reducement of *Cumberland* by the *Scottish* horse, upon my returne thither from *Scotland* (being in exile a yeare and a halfe there) some of Mr. *Barnis* favourers & bosome friends (who knew me in *Scotland* and of the good service I had done there) threatened to root out me and all of my iudgement in our countrey. Neither did Mr. *Barnis* himselfe regard any honest man there, though here (as I am informed) he pretends to be an Independent, but held up and countenanced the booke of Common prayer, (that English mass,) notwithstanding all his solemn oaths, covenants, and protestations against it: and likewise did put in the greatest places of trust and command with us, traitors and malignants, and men disaffected to the publique good of this kingdome. All his owne kindred being such, whom he thus endeavoured to promote and make great, wherof we complaining to him, were altogether flighred, and those our enemies his friends, kindred and allies borne out and continued by him in their authorities, neither would he give us any kind of assistance for relieving some honest and godly men, who had been kept long, and were then still prisoners in *Carlisle* by the enemy for the Parliaments cause, and who afterwards by the helpe of the *Scotts* were relieved out of



prison, whiles I was at London soliciting this our countries cause, so as of them being of the separation.

Sir, I was the last Winter here in Town above 3. moneths, expecting that Mr. *Blaxton* one of the Burgesses for *New-Castle*, according to his undertaking, would have preferred my petitions and charges against Mr. *Barnis* and other enemies of our Countrey; which he did not; And upon my return to the Country, Mr. *Blaxton* promised, that in my absence with the first opportunitie, he would present to the honourable house of Commons those my petitions and countrey grievances, wishing me to encourage my Countrey men, to presse on our just complaints, and he would bee assisting unto us, and likewise I solicited some of the Committee of both Kingdomes at Goldsmiths Hall, namely Mr. *Moyer* and Mr. *Allen*, (now a Parliament man) who also promising much, but after 5. weeks attendance upon them, by their owne direction, they performed nothing, Where (by the way) I desire you to take notice, that in all this time whiles I thus attended with great wearinesse, much discouragement and no small expences, I did not so much as interchange one word with any of the Scots Commissioners, neither was I known to any of them by face.

But upon our returne againe from our Country, to present our grievances, with severall Letters to Mr. *Blaxton* to that purpose, we found him changed, and become our adversary, which did not a little trouble us, in respect of the interest which we conceived we had in him. But afterwards, by means of one Mrs. *Glancrosse*, (a gentlewoman well known to many of our friends of the Separation) after we had beene in Town sundry weeks, were made known to the L. of *Wariston*, one of the Scottish Commissioners, who upon perusal of our severall charges against those our adversaries, did promise, that he would use his endeavour to get the same presented to the House, which not many daies after hee did accordingly. And thus as my ends and intentions herein were reall and honest, so I hope the means which I used to attaine thereunto, were no wise unlawfull nor indirect: But as I cannot flatter, neither give vaine titles to any, so I hold it ignoble and base to bee ingratefull, either by neglecting such persons or not acknowledging such favours, and the rather that they proceeded from strangers, when as my owne Country men, who both of duty and by oath were bound unto us, so unworthily, so long delayed, and at last refused, so that they both neglected us, and sleighted our cause and Country:

Let others say and do what they please, as I am not ashamed to owne and acknowledge favours received from my noble friends, so for my part, (as Lieut. Col. *Lilburne* speaking of the justice done to him by the House of Peers, saith in his book intituled, *Innocency and truth justified*, Pag. 75.) I am resolved to speake well of those that have done mee justice, and not to doubt they will deny it me, till such time as by experience I find they doe it. Sir if I had found the like timely justice from you, I would neither have had so much cause thus to complain, nor to have been so much beholden to strangers: whom the Parliament have still accounted friends: And if you for your own part, had beene as tender of your friends, to whom you professe kindnesse, and to your Country to whom you owe duty; as I have alwaies been, and still am ready to approve my selfe at all times in all faithfullnesse to my Country, and forwardnesse to promote their just cause wherewith I am intrusted, and which hath purchast no small envy of the great enemies of our Countrey, I do verily beleieve that some of your suffering friends in the like condition with me who have relyed so much upon you, had not been so frustrated in their expectation, and driven to so great straites as to seek that comfort which you professed, and might with ease have afforded.

And you would have been more ready to have vouchsafed your assistance to have brought Traytors and enemies to the common wealth to condigne punishment, according to your severall oaths, protestations, and subscriptions, and would have beene ashamed that traitors should have walked at large in London streets, whilst your cordiall friends their prosecutors



sort are cast and kept by you in prison, for no other cause, wherewith they can be iustly charged, but for that they stand for the lawes and iust liberties of this kingdome, neither would you have been so censorious to condemne that man whom the wel-affected of his countrey have thus intrusted, and on whom they doe still relye, and against whom you know nothing, but bare and groundlesse reports, and under hand calumniationes, which no iudicious, generous, nor truly honest man will beleive: yet if you be not resolved against knowledge to act, or if there be any hope to recover and bring you to a right understanding of our countreys cause, my earnest desire is to unkeceive you, if possibly I can, and have the more enlarged my selfe, the better to informe you of the true state thereof.

And I doe assure you if I may have iustice done me by mine owne countrey men, I will never seeke unto strangers: for it was no small grieve unto me, that from none of mine owne nation, I could obtain so much favour, neither by intreaties, nor recommendations, as to present the iust complaints of two counties, which so much concerned the weal and safety of two kingdomes, but was driven to that extremitie, even to have returned home to our owne Countrey, (which is nigh 300. miles distant) without any hope of so much as getting a petition presented to the House of Commons, if by meanes (under God) of the Lord of *Warriston* (to whom before I was never known by face) those our grievances by petition and articles had not been put up to the House.

By all which passages you may perceive how wickedly I am dealt with, and traduced by the friends and favorites of our and our Countries enemies, so that I may truly say, that the slanders of my adversaries, is more quicke then any martiall law, for by them I have been arraigned, condemned, and executed all in one instant, if in a mans good name doth consist his life and honour, your selfe being iudge. However give me leave to tell you, if I may obtaine that favour from you, as to mediate for me into the house of Commons, and in my behalfe, to present unto them this petition here inclosed, to the intent my countreys iust cause may be put into a way of tryall: And whatsoever my adversaries say, I will engage my selfe in the behalfe of my countrey to prosecute the same to a full period, and make good our charge against them, or otherwise (as I have formerly offered by my letter to Mr *Speaker*) to undergoe such penaltie and punishment as by the rigour of the law may be inflicted upon me.

And in the meane time, I would have my adversaries to understand, that I am nothing cast downe, though layed and kept by their meanes in prison, but still relying upon God and the strength and truth of my cause, and the iustice of the Parliaments, am resolved, though freedom were made capitall, and truth accompted never so offensive, not to relinquish nor desert the iust cause of my countrey, but in all loyall obedience to authority, my endeavours shall be to performe that duty which I owe to my countrey, and discharge that trust they have committed unto me. Yea, and to my utmost power (by all lawfull wayes and meanes) according to my oath and protestation, to set my selfe against the factions and attempts of the adversarie, in the defence of the lawes and our iust liberties, wherein I shall not spare to spend my selfe, and put to hazard whatsoever is nearest and dearest unto me, and so I wish you may account it to be your honour, whom we have honoured to chuse as our trustees, to sit at the helme of this our tossed ship, in such an ocean of tempestuous waves, even to execute righteous iudgement, as yee wish to come to a faire haven, and as ye labour to destroy your cruell enemies, so to protect your trustie friends, who have in all assaults and extremities never relinquished you, nor the common cause of this distressed kingdome: thus hoping yee will all unanimously use your best endeavours to deliver us, your selves and the posteritie from all the bondage and oppression which is now exercised over this bleeding nation, and restore us to our ancient liberties at least, which our ancestors by their blood so dearly purchast, that henceforth we may enjoy peace and truth, with the administration of iustice, which is the earnest sute, and fervent desire of

Your faithfull friend in all  
due respects *John Mnsgrave*,



Sir, I forgot one thing, which I desire to be cleared, which is, the Scottish wicked designe (as you are pleased to term it) I pray you, if you suspect any such thing, and yee know it not fully, why do not you either ask themselves? for they are old enough: or else deal with them; for ye call them brethren, yea, and not only have solemnly sworne and covenanted with them your selves, but urge all of this Nation under your power so to do, and therefore lay the blame on those who ought to bear it, but never on me, nor any of my judgement: because both ye, and the Scots know well enough, that we are not minded to submit to their Presbyterian government, what ever it cost us: so if that be the wicked designe you mean (for neither do I know, nor I suppose themselves intends any other) you are very much mistaken in me, for I, and all of my mind, are rather adjudged to be sufferers, then any wise accounted to be actors therein, as you very well know by all our writings and practices, in which you have already condemned us, though you would never give us a fair hearing, nor convince us according to the word of God, as may appear in that little book called, *The lawfulness of the Scots coming into England*, pag. 6. reas. 6. Where it is said, at the accomplishing of this blessed Reformation there intended (as both their and your ministers, the true drivers on of such wicked designes if any be, are pleased to call it) even that there shall not be a papist, separatist, nor sectary any more mentioned, if this be not the meaning of that phrase (being paralleld both with your and their practises since, then I desire, that there might be a toleration in the one according to the word of truth, and a resolution in the other, according to equity and reason: however, go on, and do what you please, I, and others of my judgement will rest upon God, who will make all things work together for the best unto those that fear him.

Farewell.

John Musgrave.

To the right Honourable, the Knights, Citizens, and Burgessees,  
Of the Commons House in Parliament assembled:

The humble Petition of John Musgrave, Gentleman, prisoner in the Fleet.

Sheweth,

**T**HAT I, with one John Osmotherly, were intrusted by the Parliaments friends, the well affected party in Cumberland, and Westmerland, to present their grievances to this honourable House, by reason of the plots and cruel oppressions of some who have formerly betrayed their trust, stirred up the King to this unnaturall war, borne armes with the King to destroy this honourable Parliament, and such as stood for them, put in execution the Commission of Array, and other illegal taxes, and forced the free-born people of this kingdome to an arbitrary government; all which persons have been declared by this present Parliament, to be traytors by the fundamentall laws of this Kingdom: the Parliaments owne words in the book of Declarations (fol. 260.) are these. *Resolved upon the question, That whosoever shall serve or assist him (meaning the King) in the wars against his people, are traytors by the fundamentall Laws of this Kingdom, and have been so adjudged by two Acts of Parliament, and ought to suffer as traytors.* 11. Rob. 2. and 1. Hen. 4. But so it is, that these persons (upon the coming in of the Scottish Army, the Countrey being reduced to the obedience of the Parliament) are now set up in the chief places of trust and command, by the Commissioners of that high and honourable Court sent into the countrey, by which means they are enabled to cover and protect all such as have formerly joyned with them in these bloody wars, and to oppress the Parliaments friends, the well affected partie as

much



such now, or more, then when they were open professed enemies, bearing arms for the King.

And I, with others, having presented our Countries grievances to *Mr. Richard Barwis* a Member of this honourable House, and Burges for the City of *Carlisle*, and to the rest of the Commissioners in the Countrey, who sat up these men in military affairs, and Committees for Sequestrations, and other taxes; but they affording no relief to us and to the well affected of both these Counties, desired and procured me and my fellow commissioner, to present their grievances to this honourable Parliament, hoping for reliefe according to their protestations, declarations, subscriptions, oaths, and covenants, to ease the oppressed, and punish the oppressors, where I have attended since *April* last, besides three moneths the last winter, using all lawfull meanes that I and the other Commissioner could, both to members of this honourable House, and certain of the Committee of both Kingdoms, and diverse common Councill men of *London* to get this our Countries cause put into a legall way of tryall, but still being frustrated of presenting the same to this honourable House in the moneth of *June* last, by a providence, we came to be acquainted with the Scottish Commissioners, who (perceiving that the settling of those two Counties, would be for the good of both Kingdoms) undertook to assist us, and to deliver our grievances to this honourable House, who procured the same with their own papers, to be referred to a Committee, whereof *Mr. Lisle* is chair-man, who laid aside all our papers, and would have examined us upon interrogatories: but we declared that we were Commissioners for the Countrey, and had given in a charge against *Mr. Richard Barwis* and others, by Councill, and therefore desired that the same might be put into a way of tryall: And if *Mr. Rich. Barwis* and others of whom we complained, should deny any thing which we have given in charge against them, that we should make it good by sufficient witneses, or else suffer according to law.

Then the Committee desired power from this Honourable House to examine us upon interrogatories, and if we should refuse, to commit us to prison, and so obtaining power (which they had not before) pressed us to answer interrogatories, and when we desired a copie thereof, or to write the same from their own mouth, and we would answer according to law, by the advice of Councill, which they denied us, but still they requiring us to answer *ex tempore*, and we conceiving that we were not bound so to do by law, could not thereunto consent. Then report being made to this honourable House, that we refused to answer, which we did not, but in case aforesaid, this honourable House ordered me to be committed to the prison of the fleet, where I have lain these 4. monthes and my fellow Commissioner being vexed by *Mr. John Fisher*, was committed also to prison, for a pretended debt: And after he was released by vertue of an ordinance of Parliament for securing Commissioners, and such others as did attend upon this honourable House, for presenting of Countrey grievances, yet by the means and direction of Justice *Whitaker*, chairman of the Committee of Examinations, the said *John Osmotherly* was committed again to prison in *Woodstreet Counter*, where he was put to great charges to free himself by a writt, of *Habeas Corpus* from the Chancery, where the suit is depending: but by the potency and policy of some, he was so pursued (even after he was last released) that he could not walk *London* streets, for diversity of Bayliffes, who were ready awaiting upon all occasions, to arrest him, whereupon he was forced to return to his Countrey, and the said Justice *Whitaker* (before I was committed to the Fleet, whilst we both were to attend on that Committee, whereof *Mr. Lisle* is chair man) issued out his warrant to search my chamber for suspected papers against the State, and to attach my body, by vertue whereof, my chamber was searched in the night time, and my self apprehended, and brought before the Committee of Examinations, and kept under a messengers custody eight daies before I could procure a discharge, and when I was brought before that Committee, they



had nothing to lay to my charge, but did propound interrogatories (as I conceive) to insnare me, All which practises did and do tend to the obstruction of our Countrey business, if not to the ruine of the Countrey it self, had not some of the Scots forces prevented the incursions of *Digby* and *Longdale*; and they that had the chiefeft command in martiall affairs (against whom we complain) doing nothing considerable to preserve the Countrey, though they had command and power to have done what was needfull, and many of them since my imprisonment have come to *London* to compound for their delinquency and treasons, paying some part of that whereof they have wronged the Countrey, and not making any reparation to the poor oppressed people.

Therefore my humble request is, that I may be permitted according to law, to answer, and I doubt not but to clear my self of that supposed contempt, for which I was committed, and that my Countrey business may be put into a speedy way of tryall, and that those whom this honourable House, according to the fundamentall lawes of the land have declared to be traytors, and such as kept correspondency with them, may be put upon due tryall at common law, and justice no longer sold, denyed, nor delayed, and that their lands and estates, according to law seized upon, and reparations made out of the same to the parties wronged, and such men as are and have been the Parliaments friends, and well affected of the Countrey may be put in places of trust and command

*And as I am in duty bound, so shall I praise  
God, and pray for you.*

*The Postscript,*

**C** Vicious Reader, thou maist very much wonder at the delatory and slow proceedings of the House of Commons, in doing justice and right; from whom the Commons of *England* may justly expect more then from any other Iudicatory, being they are immediately chosen by them; and to speak properly, not no more but their stewards and servants for whose good and benefit all their actions ought to be extended, and ought in honesty and right to have but one and the same interest with them, but no distinct self-interest from them: Yet by their proceedings daily, we see it is in vaine to expect justice from them, so long as they are so linkt and glude in factions each to other by their private interests, in their great places, which ties all such amongst them to maintain one another in all their unjust waies, and to oppress and crush as much as they are able, all the prosecutors of just and righteous things, and so to barre and stop justice that it shall have little or no progresse; divers of them, and their creatures, sons, brothers, uncles, and kinsmen, and allies, in the sub-committees, having already committed so much injustice, that they are undone in their blaxed honour, and ill-gotten estates, if justice should run in its native lustre, and full current; and of necessity, they and their great places would quickly be destroyed.

O therefore that the freemen of *England* had but their eyes open, to see the mischief of members of the House of Commons (men of their own election & chusing to sit in the Supream Court of *England*) to be intangled themselves, or intermeddle with any other place whatsoever, then that whereunto their Countrey have chosen them! what a shame as it is to see the mercenary long gown-men of the House of Commons, to run up and down like so many hackney petty foggers, from bar to bar in *Westminster hall* &c. to plead before inferiour Judges, and to ingrosse and monopolize, the greatest part of the practise of the law, from other poore lawyers, although divers of these Parliament grosses be recorders of Corporations besides, who ought in Conscience and reason to give way to their Corporations, to chuse new Recorders in their places? for how is it possible that they should



should serve the Parliament as members thereof, and their Corporations as Recorders, at so many miles distance, and at one and the same time?

And besides, how can such great practisers chuse but mercinarily be ingaged to helpe their clyents over a stile, in case that ever they have to do with any of their owne Committees, and what is this else, but to sell justice for money? Besides, what a snare is it to the new Judges (who are placed in the room of those that have bought, sold, and betraid the lives, liberties, and estates of all the free denizens of England? witnes their judgement in ship money &c. to see 3. or 4. eminent lawyers, members of the House of Comons, come before them in an unjust cause; when they consider, that if they should displease them, it partly lies in their power to turn them out of their places, being they are (as it were) wholly made Judges by the House of Commons, and nominated by the Lawyers therein.

We professe seriously, that to pull the gownes over these mercinary mens eares, and forever to throw them out of the House of Commons, as men unfit to sit there, or to plead at any barre in England, is too little a punishment for them, the scum of mankind, and the same (we conceive) do they deserve, that are members of that House, and take upon them to sit as judges in inferiour Courts, by means of which they rob the Freeman of England of the benefit of an appeal, in case of injustice: because they have no where so appeal to, but the Parliament, where they sit as judges in their own cause, which is a most wicked, intolerable and unjust thing in any judge whatsoever: We hope shortly that if these men be not ashamed of their evil herein, some honest and resolute hearted Englishman, will be so bold as publicly to post up their names as destroyers of the Kingdom.

And as great an evill is it to the Kingdom, for members of the House of Commons, to take upon them to be fingerers and treasurers of the publique money of the Kingdome, because they are thereby in a condition to fill their own coffers, and do what wrong they please (or else how comes it to passe that so many of their children are so richly married of late, that were but mean before? and no man knowes how to call them to account, unlesse they deal with them as the Romans sometimes dealt with their Senators, or as the Swissers dealt with their ydels: for the money is the Kingdome, and not the members of the House of Commons, and the Kingdome is in Justice, reason, and right so have a publique, punctuall, and particular account of it; and therefore it ought not to be in the hands, or fingers of those that are able to make so great a faction as are able so protect themselves from justice, and an exact account.

O that that gallant man, L. G. Cromwel (to whom the Kingdom for their preservation, under God, oweth so much, would a little more deny himself, and cease to be a stalking horse, and a dangerous president, of most dangerous consequence, to these wicked mercinary pluralists, non residentary, great place men, for whom an Hospitall of any consequence cannot fail, but they must be governours of it; nor a petty place in the petty bag office, but they must get into it: which men, if the Kingdome would rightly consider it, have just cause to disclaim as none of their patrons, but proclaime as their enemies and destroyers, being only pecuniary selfseekers.

For so long as parliament men can get into their hands the riches and treasures of the Kingdom, and live like Kings and Emperours, and like lawlesse men, none such being of Gods creation (for he never created a lawlesse man) there will never be an end of this Parliament, which by its everlasting continuance, by the abuses of lawlesse and rotten hearted men (*Machiavels* sons, whose principall it is, when he would destroy a State or Kingdom, and deliver them into the hands of their enemies; to put them upon acts of injustice, oppression, and invading of the peoples right, which is the only way to effect their ruine and destruction) will become the most absolute burthen, and greatest oppression, that ever was upon the people: when as in times by past, it used to be their onely remedy from their oppression, and oppressors.

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The thing that we wish *L. G. Cromwel* to consider of, is this, that he was chosen a Burgesse for *Cambridge*, to sit in Parliament, and not to be Lieut. Gen. of an Army, both which places he ought not in conscience, nor cannot in equity, honesty, and honour hold, but either must come and sit in Parliament, his proper place: or else he ought to advise and permit them to chuse another Burgesse to sit in his stead; which we conceive would be the greatest and best peece of service that ever he did the Parliament or Commonwealth in his life, (who both are in the high roade way of destruction, by these mercenary pluralists, great place men) for to be a member of the House of Commons is enough to take up the whole and intire man, without deviding it, although he were five times wiser then any man there appears to be: and if *Cromwel* would do his duty herein, their vail and president were taken of, and laid down, which would be for his exceeding honour and glory, and the unspeakable good of the Kingdom.

Wherefore dear and beloved friend *Mr. Musgrave*, seeing God hath given you the spirit of boldnes, wisdom, understanding, zeal, and courage, lay it out more fully for the good of your Countrey, and speedily present him with a home and plain Epistle for that end, and we also intreat you to make some observations to him, upon what you will find in the 19. 20. 21. pages of *Englands birth-right*, and presse them home to him.

*Curious Reader.*

At the Lord Major of *London* his house, the 16th. of this second moneth 1646. upon Rivers complaints made by the miniters of *London*, against many parishes and particular Citizens, for not payment of tithes, and after severall daies disputations in free publick meetings at his hall, between the Plantiffes and defendants, by themselves, and their learned Counsell, and many arguments discussed on both sides, it was found at last, that howsoever these priests have exacted and received tithes a long time, yet altogether unjustly by the law both of God and man; for the one, Christ hath prescribed voluntary maintenance for his pastors to feed all his flocks, and for the other, that statute of the 27. of H. 8. authoriseth certain Commissioners, to make a decree for the payment of tithes to the *London* Ministers, and that they must order and decree, shall be binding to the citizens of *London*, in case the decree be made by such a day, and inrouled in the high Court of Chancery, but in case it be not inrouled there, it is no law, and so not binding, but *Mr. Nerborow* the citizens counsell, produced to the Lord Maior, a certificate under the Registers hand, that it neither is, nor never was inrouled: and therefore the miniters may goe whiffell for their tithes. Next, the tithes were given to maintaine those priests who read service, which none do now, because the service book is abolished, and so no work, no wages. And thirdly, Though that English masse book were yet in force, these black-coats now are not the men for whom those tithes were provided, but onely such as were ordained by, and serv'd under the Bishops: which ordination and service these Priests now have not only renounced, but quite deposed and rejected those their masters, And so if they be to seek new masters, and new work, they must also seek new wages. Yet it is my advice, and I now will be their best course, even to worke with their hands, as many better men do, and not to live idley by the sweat of other mens browes.

*Psal. 141. 5. Let the Righteous smite it shall be a kindness: and let him reprove me, it shall be an extellent oyl, which shall not break mine head: for yet my prayer also shall be in their calamities.*

*Proverbs 27. 6. Faithfull are the wounds of a friend, but the kisses of an enemy are deceitfull.*

FINIS.



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